

MILPERSMAN 1611-020

OFFICER DETACHMENT FOR CAUSE (DFC)

Responsible Office	NAVPERSCOM (PERS-83)	Phone:	DSN	882-4418
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References	BUPERSINST 1001.39B JCS Pub 2, Chapter 3, Section IV Uniform Code of Military Justice (UCMJ), Article 15 U.S. Navy Regulations, 1990, Article 1122 BUPERSINST 1610.10
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1. What Is DFC?

a. Detachment for Cause (DFC) is the administrative removal of an officer, whether on active duty or in the Selected Reserve, from his or her current duty assignment before the planned rotation date. An approved DFC waives Minimum Tour for Separation (MTS) and Prescribed Tour Length (PTL) requirements for releasing Permanent Change of Station (PCS) funds.

b. The need for a DFC arises when an officer's performance or conduct detracts from accomplishing the command mission, and the officer's continuance in the billet can only negatively impact the command. DFC is one of the strongest administrative measures used in the case of officers. An approved DFC, together with endorsements, is filed in the officer's official record. As such, a DFC has a serious effect on the officer's future naval career, particularly with regard to promotion, duty assignment, selection for schools, and special assignment. The initiation of a DFC, therefore, should be undertaken with full appreciation of its gravity.

2. When DFCs are Not Appropriate. DFC's generally are not appropriate

a. when the officer is at projected rotation date (PRD) and in receipt of PCS orders, or if an assigned relief has arrived on board who is in a position to assume the duties of the billet.

b. when a reasonable alternative exists to resolve the situation within the command, whatever the cause. As a matter of policy, the Navy Personnel Command considers shore commands, particularly those in the continental United States, capable of dealing with a problem officer without resorting to a request for a DFC.

(1) Exceptions to this policy might be the case of an officer whose repeated conduct while assigned to a relatively independent, isolated area has reflected adversely on the Navy; or

(2) when the seniority or designator of the officer precludes reassignment within the command.

c. for, or instead of, disciplinary action. Appropriate disciplinary action should be taken when warranted. In cases when misconduct is adjudicated at court-martial or mast, the commander or commanding officer initiating the disciplinary action should incorporate a request for the officer's detachment in the command's report of misconduct as required by MILPERSMAN 1611-010.

d. except as noted below, for characterizing an officer's performance of duty in a billet. Performance appraisal is more appropriately dealt with in a report of fitness. If substandard performance or misconduct comes to light after the officer has transferred, that information may and should be reported in a supplemental fitness report or in a disciplinary proceeding.

e. in a case of Selected Reserve officers, review BUPERSINST 1001.39B for administrative removal procedures. The DFC process may be used to characterize the administrative removal from a billet as "FOR CAUSE," and may run concurrently or follow the administrative removal action outlined in reserve personnel instructions. The DFC process may be appropriate in cases of misconduct or unsatisfactory performance when extensive documentation is necessary.

3. **Reasons for Requesting the DFC.** Reasons for requesting a DFC include

a. misconduct. Any act of misconduct, civil or military, may form the basis for a DFC request. Only in unusual instances will a DFC request by reason of misconduct be approved without disciplinary action having been taken. If no disciplinary

action is taken, the rationale for not taking action must be included in the request for the DFC.

b. unsatisfactory performance involving one or more significant events resulting from gross negligence or complete disregard of duty. It is the occurrence of a significant event(s) and the officer's performance during the event(s), which forms this basis for a DFC request.

(1) Contrast this with an Engineering Officer who prepares for an Operational Propulsion Plant Examination (OPPE) and fails it. Unless the Engineering Officer was grossly negligent or completely disregarded his or her duties in preparing for or during the OPPE, a DFC would not be appropriate under this reason. If, however, the command has noted deficiencies in performance and provided meaningful counseling and guidance before the OPPE, a DFC may be appropriate by reason of unsatisfactory performance over an extended period of time as discussed below.

(2) When an officer requests to be relieved, this action will be classified as a significant event.

c. unsatisfactory performance of duty over an extended period of time. There is no fixed time period for this reason; it is dictated by the facts and circumstances of the particular case and the efforts expended by the command to assist the officer in overcoming perceived performance deficiencies. This reason applies to specific performance deficiencies that continue to exist after corrective action has been taken.

d. loss of confidence in an officer in command. The unique position of trust and responsibility an officer in command possesses; his or her role in shaping morale, good order, and discipline within the command; and his or her influence on mission requirements and command readiness make it imperative that immediate superiors have full confidence in the officer's judgment and ability to command. An articulated, fact-supported loss of such confidence by the immediate superior, with the concurrence of a flag officer in the chain of command, is a sufficient basis to detach an officer in command.

4. **Procedural Requirements before Initiating a DFC Request.**

Procedural or leadership requirements before initiating a DFC request include the following:

a. Command counseling, guidance, training, and appropriate use of fitness reports are required. Letters of instruction are encouraged as they serve to clearly communicate the actions necessary to improve and provide evidence of the timing and focus of the counseling. Commanding officers must guide and motivate members of their commands. Generally, the motivated officer will respond to appropriate counseling and guidance, whereas the unmotivated officer may not.

b. Reassignment within the command has been considered and is not a reasonable alternative.

c. The deficiency is not reasonably susceptible to correction by counseling, training, guidance, or by authorized command disciplinary measures. If abuse of alcoholic beverages is involved, every possible means, including medical treatment or disciplinary action, should be taken to correct the problem since a DFC may only relocate the problem and thus serve no useful purpose.

d. All allegations must be adequately supported by appropriate inquiry or documentation.

e. Where nonjudicial punishment or trial by a court-martial is indicated and misconduct is the sole reason for the request, a request to detach the officer should be included in the command's letter report of the misconduct as required by MILPERSMAN 1611-010.

f. When the DFC request is based on one or more significant events, ensure that the details of the events are adequately documented. An officer requesting to be relieved will be advised by his or her commanding officer of the seriousness of such a request and its impact on the officer's career before the request is accepted.

g. When unsatisfactory performance of duty over an extended period of time is involved, make sure the developing situation has been properly documented by the use of fitness reports, command counseling, training, and guidance. The fact that a letter of instruction (LOI) has been issued may be duly noted in a fitness report and, if properly drafted, may serve to document

that the requisite command guidance and counseling has been given.

h. Strong, frank, and meaningful command guidance and counseling must be given and documented in this type of DFC request. These are management-assist tools targeted to advise the officer of the need for improvement and to help in that improvement process. The degree to which provided will vary depending on the seniority and experience of the officer involved. In many cases frank and meaningful discussion will achieve the desired improvement but, in such cases, a memorandum for the record should be considered.

i. An LOI, if used, must describe specific weaknesses, recommend suitable and reasonable measures for improvement, clearly establish the desired performance standard, and, if appropriate, establish a period of time for correction of the performance deficiency. The LOI must be delivered to the officer at the time of counseling and the officer should acknowledge receipt in writing. (Note that counseling and guidance, including issuance of an LOI, may not be appropriate for misconduct, unsatisfactory performance involving a significant event, or loss of confidence).

j. The officer must be given a reasonable period of time to improve and achieve a satisfactory and acceptable level of performance. The period given will vary with the requirements imposed on the officer by the command counseling or LOI and must be reasonable under the circumstances.

5. Requirements for Requesting a DFC. The following steps are required in requesting a DFC:

Step	Action
1	State the specific reason or reasons for the request.
2	Indicate the time the officer has been on board and the length of time in the position to which the DFC relates.
3	Provide a detailed statement describing the facts and circumstances, which support the reason(s) for the request. For requests based on a significant event, describe the event involved, the officer's duties, and the complete disregard or gross negligence associated with the performance of those duties.
4	If the request is made by reason of unsatisfactory performance of duty over an extended period of time, indicate what corrective actions were taken to improve or correct the officer's performance and the results of those actions. Do not submit a special report of fitness to support the DFC request. However, the request should provide a chronology of events leading up to the request and evidence of command counseling and guidance.
5	Indicate whether or not disciplinary action has been taken and, if not, why not. If misconduct is not the sole basis for the DFC, do not forward the request until all disciplinary action is completed, including any appeals.
6	Include a statement that the request, if approved, will be filed in the officer's official record. NOTE: Nonpunitive actions may not be mentioned in, or included as, enclosures to the request. The facts, which gave rise to those actions, however, may be mentioned in the request, if relevant. LOIs are not considered to be punitive actions and should be included to document command counseling and guidance.
7	Indicate in the request or in an endorsement to the request, that a copy of the request is being referred to the officer for a written statement concerning the DFC request and that the officer is being given a specific amount of time (normally 15 calendar days) within which to respond to the request.

6. **If the Officer Refuses to Acknowledge the DFC.** If the officer refuses to acknowledge the DFC, explain the DFC process to the officer (i.e., that it may be included in the officer's official record, and that the officer has a right to submit a written statement concerning the DFC); indicate on the acknowledgment form that the officer was advised of the process and refused to acknowledge it; and sign and date the acknowledgment.

7. **Officer's Statement.** Any statement made by the officer must be couched in temperate language, be confined to the pertinent facts, and neither impugn the motives of others nor make countercharges. It should be thoughtful and to the point.

8. **Exceptions to the Requirement for Referral of the DFC Request to the Officer.** Exceptions to the requirement for referral of the DFC request to the officer concerned may be made only under the following conditions with the reasons for nonreferral set forth in detail in the DFC request or an endorsement to the request:

a. When the officer is under medical care and the attending physician or clinical psychologist considers that referral of this matter to the officer would adversely affect the officer's condition.

b. When such referral would constitute a disclosure of classified material to which the member is not authorized access, but only where the matter cannot be sufficiently declassified in part to allow the officer concerned to be informed of the possible action against him or her.

9. **Submission Process.** When the determination has been made to request the detachment for cause of an officer, notify NAVPERSCOM (PERS-83/PERS-4) by message. Briefly state the reasons and the nature of the DFC. Indicate "For Official Use Only." Preliminary action will commence, but in all cases the command must submit a detailed letter as outlined below. Final action will be taken by NAVPERSCOM only on the basis of this letter which, with the officer's statement, may be made a part of the officer's official record.

a. The request will not be made as an enclosure to a fitness report or other correspondence, but may include such items as its own enclosures.

b. Unless the inclusion of classified information is necessary to comply with other requirements of this article, the letter should be unclassified. To ensure privacy in handling, mark the letter "For Official Use Only" and mail it in double envelopes. Address the outer envelope to NAVPERSCOM (PERS-83), and mark the inner envelope, "Officer Performance, For Official Use Only."

10. **DFC for Misconduct when Punishment is not awarded at Mast or Court-Martial.** DFC for misconduct when punishment is not awarded at mast (NJP) or court-martial will continue to be processed per this article. When punishment is awarded, incorporate the detachment request in the command's report of court-martial/nonjudicial punishment.

a. Expand the letter report to include the command's recommendation as to

(1) whether the officer should be detached.

(2) whether the officer's misconduct warrants promotion delays or removal (if on a promotion list).

(3) whether the officer should be required to show cause for retention.

b. In cases of court-martial, when dismissal is not awarded, provide a cover letter to the court-martial order that addresses the aforementioned issues.

c. If a recommendation is negative, forward the request to NAVPERSCOM (PERS-83) via the officer for comment.

(1) The officer's statement may only address the issues of detachment, promotion delay or removal, and/or show cause processing.

(2) After the officer has submitted his or her comments, return to the command for second endorsement and then forward the report for endorsement by the first flag officer in the administrative chain of command.

11. **All Other DFC Requests.** All other DFC requests must be sent to NAVPERSCOM (PERS-83) via the administrative chain of command (to include at least a flag officer) and the officer concerned, for acknowledgment and an opportunity to submit a

statement. This does not prevent fleet commanders-in-chief or type commanders from requiring DFC requests to be forwarded through their chain of command.

a. The officer should normally be the first via addressee on the request and the requesting command will be the second via addressee.

b. If the officer is no longer assigned within the geographic area of the requesting command, the first via addressee will be the officer's current temporary command. A copy of the officer's written statement will be provided to the requesting command and a notation to that effect will be made on the endorsement forwarding the DFC.

c. The requesting command may comment on the officer's statement; however, if this comment includes adverse factual matter not previously addressed or included in the DFC request, the officer concerned must be provided a copy and be given an opportunity to respond.

NOTE: The same is true if any later endorsement includes adverse factual matter not previously addressed or included in the DFC request.

d. Flag-officer-initiated requests may be forwarded to NAVPERSCOM (PERS-83), via the officer concerned, with copies to the administrative chain of command and the operational commander.

e. Requests originated by commander-in-chief or commanders of joint staffs may be addressed directly to NAVPERSCOM (PERS-83) via the officer concerned and will be given special handling. Compliance with the other provisions here relating to DFC requests is required.

f. Requests on officers serving with Marine Corps units will be in compliance with this article. The detachment request will be forwarded to NAVPERSCOM (PERS-83) via the officer concerned and the applicable Marine Corps chain of command.

g. Requests on officers serving with Army or Air Force units are contained in MILPERSMAN 1300-060 and JCS Pub 2, Chapter 3, IV.

h. Expeditious processing and forwarding of a DFC request is mandatory, as the officer concerned is normally in a nonproductive status awaiting final determination of the request. In the absence of unusual circumstances, the DFC request should be forwarded within 5 working days of receipt by each command in the rotating chain.

12. **Additional Requirements Governing the DFC of an Officer in Command.** Additional requirements governing the DFC of an officer in command include:

a. A request for the DFC of an officer in command generally evolves from the same type of circumstances delineated above. An evaluation by a superior in the chain of command of failure on the part of an officer in command to exercise sound judgment in one or more areas and loss of confidence will constitute a sufficient basis to request the DFC of that officer. If the responsible superior is not a flag officer, it is desirable that the concurrence of a flag officer in the chain of command be obtained, when practicable, prior to acting.

(1) For the purposes of this paragraph, an officer in command is any officer who holds authority to punish subordinates under Article 15, Uniform Code of Military Justice (UCMJ). Department head equivalent billets will not be considered as officer in command; therefore, the loss-of-confidence basis would not be appropriate. Executive officers detailed to automatically fleet up to the commanding officer billet may be detached under this paragraph.

(2) When a determination has been made to request the DFC of an officer in command, NAVPERSCOM will be notified by message, briefly setting forth the reasons therefor, whether the officer has been in fact relieved, and the name of the acting commanding officer. The message will have the chain of command as information addressees. In order to ensure privacy in handling the message, the originator should use the special handling designator "Personal for Navy Personnel Command." The officer concerned will be personally informed of the essential facts, which preclude his or her continuation in command prior to or upon transmittal of the message.

b. Appropriate action will be taken in response to the message, which will normally be to issue the officer temporary duty orders to the staff of a superior in the administrative chain of command pending final resolution of this matter.

Liaison with the appropriate superior will determine the timing for providing a relief.

c. The message request will be followed by a letter request. This letter will be forwarded via the officer concerned for his or her statement as described above and will then be forwarded via the type commander and the administrative chain of command to NAVPERSCOM (PERS-83). The type commander will send the request to NAVPERSCOM with copies to the fleet commander. This does not prevent the commander-in-chief from requiring such requests to be forwarded via him or her.

d. Although an officer may have been detached from command, NAVPERSCOM will not characterize a detachment and record that fact in an officer's record until the request, statement of the officer concerned, and endorsements have been reviewed.

e. In addition to the request for detachment, the circumstances may indicate the necessity for an investigation under the JAG Manual or other type of inquiry. If such an investigation is convened, send an advance copy of the appointing order, the report, and each endorsement to NAVPERSCOM (PERS-82).

f. Nothing in the foregoing detracts the inherent authority of a superior in command to relieve an officer in command of a subordinate unit in order to assure accomplishment of the assigned mission. In such case, the summary relief should be followed by a request for the DFC initiated by the superior in command under this article.

13. Requirements Governing Prospective Officers in Command (PCOs) Under Investigation

a. Requirements governing prospective officers in command (PCOs) under investigation (including a prospective officer in charge) include PCOs under investigation for conduct or performance, which may lead to disciplinary action or adverse administrative action, will not be permitted to assume command. After the investigation has been completed, they will be re-evaluated for command suitability.

b. The PCO's reporting senior will follow these three steps:

Step	Action
1	Except in those instances when the investigation would be jeopardized, the reporting senior will notify the PCO personally and in writing of allegations against him or her and that he or she will not assume command until the investigation is completed and a determination of fitness for command has been made.
2	Provide the PCO with an opportunity to make a written statement (generally no less than 15 calendar days of receipt of written notification or any other designated time period or date.)
3	Forward copies of the notification, any details of circumstances surrounding the allegations, and the officer's statement (if any) to Pers-82 via the administrative chain of command.

c. The investigation will be conducted on a priority basis, to be completed within 30 days.

d. PCOs will continue to progress through the appropriate training pipeline during the investigation, unless they specifically request a transfer.

e. Results of the completed investigation will be forwarded by the responsible command to NAVPERSCOM (PERS-82) via type commander, for resolution and final determination of the PCOs fitness for command.

f. In those unusual cases where a completed investigation and determination of fitness for command cannot be obtained in time to provide an orderly assumption of command, the type commander will forward a request for reassignment of PCO and assignment of a qualified officer to command. This request will be forwarded to NAVPERSCOM (PERS-4).

(1) The PCO concerned will be notified in writing of an approved request and the circumstances, which necessitated the action.

(2) If the DFC is not approved, priority action will be taken to normalize the PCO's career and place him or her in command as soon as practical.

14. **Action required After the Request.** The next superior in command who is a via addressee to the DFC request should, whenever possible, conduct an interview with the officer concerned and make appropriate comments concerning the interview in the endorsement to the request.

a. Material relating to a DFC request will not be attached to or referenced in fitness reports until a final decision on it has been made. The commanding officer may, however, comment on the performance or conduct which led to the DFC request. The requirements of U.S. Navy Regulations, 1990, Article 1122 apply.

b. When a DFC request has been initiated or, in special circumstances, contemplated, the officer concerned may be assigned in a temporary additional duty status to a nearby command provided the cognizant type commander agrees. For officers in command, see the "Additional Requirements Governing the DFC of an Officer in Command" block, above.

c. In requests involving officers in command, unless another officer is detailed by NAVPERSCOM to assume command awaiting the outcome of the request, command devolves according to the succession-to-command provisions of U.S. Navy Regulations, 1990.

d. See BUPERSINST 1610.10 for policies concerning detachment fitness reports in case of DFC.

15. Officer's Response to DFC

(DATE)

I have received the letter requesting my detachment for cause and I understand that the request may be filed in my official record.

I am aware of the contents of MILPERSMAN 1070-020 and I (do/do not) desire to make a written statement.

I further understand that I have 15 calendar days from this date (until [specific date]) to submit my statement. If I make such election and then fail to submit a statement in that period of time, it will be treated as a waiver of that right.

I understand that any statement I make must be couched in temperate language, be confined to the pertinent facts, and not impugn the motives of others or make countercharges.

(SIGNATURE)

16. Command's Letter for DFC

From: (requesting command)
To: Commander, Navy Personnel Command (PERS-83)
Via: (1) (officer concerned)
(2) (requesting command if officer concerned still present, otherwise succeeding via addressees will be as required by this article and local regulations)
(3) (at least the first flag officer in administrative chain of command)

Subj: DETACHMENT FOR CAUSE ICO (OFFICER CONCERNED)

Ref: (a) MILPERSMAN 1611-020
(b) (other as necessary)

Encl: (1) (as necessary; e.g., fitness reports [required for performance over extended period of time]; LOIs; documented counseling and guidance; Supervisor's statements; logs, records, or other relevant documents; NJP reports; court-martial orders; civil conviction documents; etc.)
(n) Acknowledgment form of (date)

1. Per reference (a), I request that (officer concerned) be detached for cause from (command) by reason of (misconduct, unsatisfactory performance of duty involving a significant event, unsatisfactory performance of duty over an extended period of time, or my loss of confidence in (officer concerned) ability to command, as warranted).

2. (Officer concerned) has been assigned to this command since (date) and has been performing duties as (billet to which assigned or duty involved) since (date).

3. (Include the factual support for the reason(s) specified in paragraph 1 and justification for the request citing appropriate enclosures.)

4. (Use the next paragraphs to discuss any matter considered relevant and appropriate, e.g., reassignment feasibility/non-feasibility; status of disciplinary action, if any, and its results; etc.)

5. I have given a copy of this request to (officer concerned) this date and, by enclosure (n), have informed (him/her) that the request may be filed in (his/her) official record. (He/she) was also informed by enclosure (n) that (he/she) has a right to submit a written statement and has 15 days, until (date) within which to do so.

(SIGNED BY CO)

Copy to: (with or without enclosures, as appropriate)
(as necessary or required by regulation)